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**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

IN RE: WESTERN STATES  
 WHOLESALE NATURAL GAS  
 ANTITRUST LITIGATION,

MDL Docket No. 1566  
 Case No. 2:03-cv-01431-RCJ-PAL  
 BASE FILE

This pleading pertains to:

SINCLAIR OIL CORPORATION,  
 Plaintiff

v.

Case No. 2:06-cv-00282-RCJ-PAL

ONEOK ENERGY SERVICES COMPANY,  
 L.P.,

Defendant

**DEFENDANT'S UNOPPOSED MOTION FOR EXTENSION OF TIME  
 TO FILE BILL OF COSTS AND APPLICATION FOR ATTORNEY FEES**

Defendant ONEOK Energy Services Company, L.P., ("OESC") respectfully requests an extension of time in which to submit a bill of costs and application for attorney fees under Rule 54 of the FEDERAL RULES OF CIVIL PROCEDURE, LR 54-1, and LR 54-14. OESC requests that the Court extend the time for these filings until 30 days after an opinion or order entered by the Ninth Circuit Court of Appeals becomes a final determination of Sinclair's appeal of this Court's decision on summary judgment and resulting Final Judgment against Sinclair in this action. In support of this motion, OESC submits the following:

1           1.       On September 18, 2017, this Court entered a Final Judgment against Sinclair,  
2 dismissing all Sinclair's claims with prejudice (Dkt. No. 2964).

3           2.       Under FED.R.CIV.P. 54, LR 54-1, and LR 54-14, OESC's deadline for submitting  
4 a bill of costs and/or application for attorney fees is 14 days from the entry of the Final Judgment,  
5 which is October 2, 2017.

6           3.       On September 19, 2017, Sinclair filed a Notice of Appeal with this Court (Dkt.  
7 No. 2970), thereby commencing an appeal of this Court's Final Judgment and other related orders  
8 identified in the Notice.

9           4.       The Ninth Circuit Court of Appeals docketed Sinclair's appeal on September 22,  
10 2017 as Case No. 17-16925.

11           5.       This Court has authority to extend the deadline for submitting a bill of costs and  
12 application for attorney fees. *See, e.g.*, FED.R.CIV.P. 54(d)(2)(B) (motion must be filed no later  
13 than 14 days after entry of judgment "unless a court order provides otherwise"); LR 1-4 (court  
14 may change local rules if the interests of justice so require).

15           6.       Regardless of the outcome of Sinclair's appeal, it would be premature for this  
16 Court to consider any request for attorneys' fees or costs until Sinclair's appeal is finally resolved.  
17 Attorneys' fees will continue to be incurred in connection with the appeal, rendering any present  
18 application incomplete. If the Ninth Circuit affirms this Court, as OESC expects, the Ninth  
19 Circuit will most likely look to this Court to determine any award of any appeal-related attorneys'  
20 fees. *See e.g., Webb v. Ada County*, 285 F.3d 829, 841 (9<sup>th</sup> Cir. 2002) (transferring determination  
21 of attorney fees on appeal to the district court). This would require OESC to supplement its  
22 application in this Court. On the other hand, should the Ninth Circuit reverse this Court's Final  
23 Judgment against Sinclair, any previous determination by this Court with respect to an OESC  
24 request for attorneys' fees or costs would be mooted. Since Sinclair has already commenced an  
25 appeal, OESC and Sinclair agree that the interests of justice would best be served, and the  
resources of this Court would best be preserved, by deferring the time for filing a bill of costs  
and application for attorneys' fees until the Ninth Circuit decides the appeal. Sinclair reserves

1 and does not waive any and all objections to any request for attorneys' fees or costs at the trial  
2 level and on appeal.

3 7. In the event the Court denies this Motion, OESC requests that the Court grant  
4 OESC 14 days from the order of denial in which to submit its bill of costs and application for  
5 attorneys' fees.

6 Wherefore, OESC respectfully requests that this Court extend the time for OESC to  
7 submit a bill of costs and application for attorneys' fees until 30 days after an opinion or order  
8 entered by the Ninth Circuit Court of Appeals becomes a final determination of Sinclair's appeal  
9 of this Court's decision on summary judgment and resulting Final Judgment against Sinclair in  
10 Case No. 17-16925.

11 Respectfully submitted,

12 /s/ Craig A. Fitzgerald

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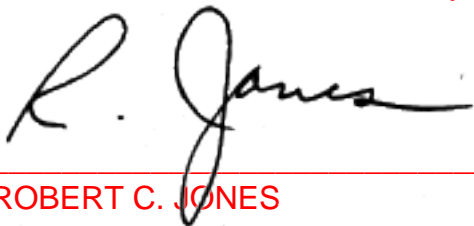
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25 *Services Company, L.P.*

21 IT IS SO ORDERED this 22nd day of December, 2017.

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23  
24 ROBERT C. JONES  
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